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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,774	10/01/2003	Neal A. Starks	60,244-007	7916

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,774	<b>Applicant(s)</b> STARKS, NEAL A.	
	<b>Examiner</b> Hau V. Phan	<b>Art Unit</b> 3618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the phrase "said support further includes a lower portion having one of two pins resiliently biased outwardly and two holes and said bracket further includes the other of said two pins and said two holes, and said two pins are received in said two holes when said support is attached to said bracket" is not clear, whether the support including two pins and two holes or the bracket including two pins and two holes. From the drawing it appears the support including two apertures at a lower end portion and two pins, which resiliently biased outwardly through the apertures from inside the tubular portion. The mount includes two apertures for engaging and locking with the two pins of the support when the support is connected to the mount.

Regarding claim 6, the phrase "said two pins" is not mention in claim 1, but in claim 5. Therefore, it should be depended on claim 5.

Regarding claim 7, claim 7 has the same problem with claim 5.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 9, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Creps et al. (4,721,320).**

Creps et al. in figures 1-6, disclose a bicycle trailer hitch or bicycle accessory device comprising a bracket (10) adapted to be mounted to a bicycle. The bracket includes a mount (86). Creps et al. also disclose a support (96) removable connected to the mount and a first quick release (94) connection between the support and the mount. Creps et al. also disclose a bicycle accessory (14) removably connected to the support and a second quick release (106) connection between the support and the bicycle accessory. The bicycle-coupling device has the same structure as claimed in the invention. Therefore, it can be used the same method from claim 18.

Regarding claim 2, Perrin discloses the bracket, which is secured to the bicycle by an attachment mechanism.

Regarding claim 3, Creps et al. discloses the mount, which is tubular.

Regarding claim 4, Creps et al. discloses the bracket including a first portion having a pair of fingers (40, 42) that receive a frame of the bicycle and an opposing

second portion having an aperture to receive an attachment mechanism that secured the bracket to the bicycle.

Regarding claim 9, Creps et al. discloses the first quick release connection, which is aligned with the second quick release connection.

Regarding claim 14, Creps et al. discloses the removable accessory, which is a handle.

Regarding claim 15, Creps et al. discloses the removable accessory, which is a wheeled trailing device.

Regarding claim 16, Creps et al. discloses a flexible tube (98) between the support and the trailing device.

**5. Claims 1-4, 9, 14-16 and 18 are alternative rejected under 35 U.S.C. 102(b) as being anticipated by Perrin (6,286,847).**

Perrin in figures 1-3, discloses a bicycle coupling device or bicycle accessory device comprising a bracket (12) adapted to be mounted to a bicycle. The bracket includes a mount (78). Perrin also discloses a support (80) removably connected to the mount and a first quick release (86) connection between the support and the mount. Perrin also discloses a bicycle accessory (92) removably connected to the support and a second quick release (86) connection between the support and the bicycle accessory. The bicycle-coupling device has the same structure as claimed in the invention. Therefore, it can be used the same method from claim 18.

Regarding claim 2, Perrin discloses the bracket, which is secured to the bicycle by an attachment mechanism.

Regarding claim 3, Perrin discloses the mount, which is tubular.

Regarding claim 4, Perrin discloses the bracket including a first portion having a pair of fingers (30, 30') that receive a frame of the bicycle and an opposing second portion having an aperture to receive an attachment mechanism (44, 46) that secured the bracket to the bicycle.

Regarding claim 9, Perrin discloses the first quick release connection, which is aligned with the second quick release connection.

Regarding claim 14, Perrin discloses the removable accessory, which is a handle.

Regarding claim 15, Perrin discloses the removable accessory, which is a wheeled trailing device.

Regarding claim 16, Perrin discloses a flexible tube (90) between the support and the trailing device.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-4 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Starks (5,988,663) in view of Creps et al. (4,721,320).**

Starks in figures 1-5, discloses a bicycle coupling device or bicycle accessory device and method of removably attaching comprising a bracket (32) adapted to be mounted to a bicycle. The bracket includes a mount (34). Starks also discloses a support (37) removable connected to the mount and a first quick release (42) connection between the support and the mount. Starks fails to disclose a second quick release (86) connection between the support and the bicycle accessory.

Creps et al. in figures 1-6, teach a bicycle accessory comprising a support (96) having first and second quick release connections (90, 106). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks with the support having first and second quick release connection as taught by Creps et al. in order to satisfy the aforementioned need.

Regarding claim 2, Starks discloses the bracket, which is secured to the bicycle by an attachment mechanism.

Regarding claim 3, Starks discloses the mount, which is tubular.

Regarding claim 4, Starks discloses the bracket including a first portion having a pair of fingers (35) that receive a frame of the bicycle and an opposing second portion having an aperture to receive an attachment mechanism (36) that secured the bracket to the bicycle.

**8. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin (6,286,847) as applied to claim 1 above, and further in view of Burger (6,347,731).**

Perrin discloses the support, but fail to show a lower end portion of the support having two pins.

Burger in figures 1-10, teaches a support (8) having two pins (15), which is resiliently biased outwardly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Perrin with the support having two resiliently biased pins as taught by Burger in order to stay loose and easy for manipulation.

**9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin (6,286,847) as applied to claim 1 above, and further in view of Kuo (6,398,247).**

Perrin discloses the support, but fails to show a storage rack.

Kuo in figures 2-4, teaches a bicycle accessory comprising a pin (not number, figure 4), a support (22) including a removably accessory (20). The removably accessory is a storage rack including a mount (251), which is removably and pivotally attached to the support, wherein the storage rack including a first hole and the mount including a second hole. The pin is inserted into the first hole when aligned with the second hole to prevent pivoting of the storage rack relative to the mount. It would have been obvious to one of ordinary skill in the art at the time the invention was made to



modify the bicycle accessory device of Perrin with the bicycle accessory having a storage rack as taught by Kuo in order to carry a user belonging.

**10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin (6,286,847) as applied to claim 1 above, and further in view of Kirvutza (4,157,075).**

Perrin discloses the support having the removable accessory, but fails to show a flag.

Kirvutza in figure 1, teaches a bicycle signal device comprising a removable flag (66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Perrin with the bicycle accessory having a flag as taught by Kirvutza in order to provide a safety and for amusement or attraction purpose.

**11. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creps et al (4,721,320) as applied to claim 1 above, and further in view of Burger (6,347,731).**

Creps et al. discloses the support, but fail to show a lower end portion of the support having two pins.

Burger in figures 1-10, teaches a support (8) having two pins (15), which is resiliently biased outwardly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Creps et al. with the support having two resiliently biased pins as taught by Burger in order to stay loose and easy for manipulation.

**12. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creps et al (4,721,320) as applied to claim 1 above, and further in view of Kuo (6,398,247).**

Creps et al. discloses the support, but fails to show a storage rack.

Kuo in figures 2-4, teaches a bicycle accessory comprising a pin (not number, figure 4), a support (22) including a removably accessory (20). The removably accessory is a storage rack including a mount (251), which is removably and pivotally attached to the support, wherein the storage rack including a first hole and the mount including a second hole. The pin is inserted into the first hole when aligned with the second hole to prevent pivoting of the storage rack relative to the mount. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Creps et al. with the bicycle accessory having a storage rack as taught by Kuo in order to carry a user belonging.

**13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Creps et al. (4,721,320) as applied to claim 1 above, and further in view of Kirvutza (4,157,075).**

Creps et al. discloses the support having the removable accessory, but fails to show a flag.

Kirvutza in figure 1, teaches a bicycle signal device comprising a removable flag (66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Creps et al. with the

bicycle accessory having a flag as taught by Kirvutza in order to provide a safety and for amusement or attraction purpose.

**14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrin (6,286,847) as applied to claim 1 above, and further in view of Long (6,149,179).**

Creps et al. disclose the removable accessory, which is in wheeled trailing device, but fail to show in kickstand.

Long in figures 1 and 4, teaches a bicycle comprising a kickstand (10) that is attached to the bicycle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Perrin with the bicycle accessory having a flag as taught by Kirvutza in order to assist the bicycle in standing position when the bicycle is not use.

### ***Conclusion***


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Countts discloses a bicycle safety warning flag, Humlong discloses a bicycle basket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan  
Primary Examiner  
Art Unit 3618



5/11/06